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Anno Decimo
Gulielmi III. Regis.

An ACT for Confirming and Establishing the Administration of the Goods and Chattels of Sir William Godolphin Knight, deceased.



MOST humbly shew unto Your most Excellent Majesty, Your most Dutiful Subjects, *Francis Godolphin Esq;* and *Charles Godolphin Esq;* and *Elizabeth* his Wife (Your said Suppliants *Francis Godolphin*, and *Elizabeth* the Wife of the said *Charles Godolphin*, being Administrators of the Goods and Chattels of *Sir William Godolphin Kt.* deceased) That divers good Laws have been made to prevent the Conveying Estates of the Subjects of this Realm for the Maintenance and Support of Superstitious Uses. And whereas *Sir William Godolphin Kt.* a Subject of this Your Majesties Kingdom of *England*, who Lived at *Madrid* in the Kingdom of *Spain*, being there surrounded by Fryers, Priests and Jesuits as he lay Bedrid, was influenced to consent to an Act before a Publick Notary, on or about the Thirtieth of *March*, One thousand six hundred ninety six, whereby it was signified, that Four Persons named therein (*viz.*) *Don Mathias de Escobar* Abbot of the *Basilians*, *Geronimo Guerrero* Procurator General of the Jesuits, *Don Balthasar de Cabredo* a Secular Priest, and *Don Antonio de Cendoya* a Lawyer, should be his *Testamentarios*, which Designation is thus explained in the Instrument (*viz.*) To the end that as soon as he the said *Sir William Godolphin* departed out of this Life, they should Make and Constitute his Last Will and Testament, expressing therein the Gifts, Legacies, Foundations of Memories, Good-works, Patronages and other Dispositions which he the said *Sir William* had Communicated to them, to be disposed of in such Manner and Form as should appear to them the said *Testamentarios*, to be most Requisite and Convenient, giving to each of the said Four a Legacy in the said Instrument, and certain Sums for Superstitious Uses, adding Two other persons (*viz.*) *Francis Arthur* and *Bruno Bernardo de Quiros*, to be joyned with the former Four, to Execute the Will which should be made after his death by the said Four for the Good of his Soul, which was declared his Universal Heir in the said Instrument, thereby Revoking, Disannulling and Making Void all other Wills, Codicils, Powers to make Wills, or any Dispositions, which he the said *Sir William Godolphin* might have made heretofore either by Word or Writing, or in any other Form, to the end they might have no Force, nor avail in any Court of Justice or otherwise, and desiring that Power should be fulfilled and executed, and the Will which should be made pursuant thereunto, as his last and determined Will, in such Form as might make it most available in Law. And whereas after the passing the said Notarial Act, (*viz.*) about the latter end of *June* in the same year, the

the said Sir *William Godolphin* proposing to make his Last Will Nuncupative or Testamentary Disposition, did then declare several Legacies he would give to certain of his Relations in *England*, which Legacies were by his order let down in Writing, and Read to, and Acknowledged by him to be his Last Will, and which has been since proved by the Oaths of Three Witnesses, Sworn by Commission out of the Prerogative Court of *Canterbury*, and Administration of all the Goods of the said Sir *William Godolphin* granted to the Two Principal Legatees, viz. *Francis Godolphin* and *Elizabeth* Wife of *Charles Godolphin* (being also the only surviving persons next of Kin, in equal degree to the said Sir *William Godolphin*) with the said Testamentary Disposition annexed in the Words following: (viz.) *Memo-randum*, That in or about the latter end of *June* or beginning of *July*, in the year of our Lord, One thousand six hundred ninety six, Sir *William Godolphin* Kt. then residing at *Madrid* in the Kingdom of *Spain*, and in the place of his usual habitation there, being then sick of the sickness whereof he Died, but being of sound and perfect Memory, having an Intent to declare and make his Last Will Nuncupative or Testamentary Disposition, did order and direct *Don Antonio Cendoya* to put down in Writing these following Legacies to be the Gifts, Legacies and Bequests of him the said Sir *William Godolphin*, in that his last Will; and the said Sums of Money and Legacies were accordingly wrote down, at the Will and Request of Sir *William Godolphin* by the abovesaid *Don Antonio Cendoya*, and afterwards the said Writing, which contained and Specified the several Gifts and Legacies following, was Read to the said Sir *William Godolphin*, and Approved and Declared by him to be his Last Will; the which Gifts, Legacies and Bequests above mentioned, which Sir *William Godolphin* owned to be his Last Will, are as follows, (viz.) *Imprimis* he Gave and Bequeathed to his Nephew *Francis Godolphin* Esquire, all his Lands in *England*, and also to his said Nephew *Francis Godolphin* Seven thousand Pounds *Sterling*, besides to each of his Four Children, viz. One Son and Three Daughters, One thousand Pounds *Sterling*: Also he gave to his Niece Mistress *Elizabeth Godolphin*, Wife to the Honourable *Charles Godolphin* Esquire, Four thousand Pounds *Sterling*, and likewise to the said *Charles Godolphin* her Husband, One thousand Pounds *Sterling*; and to his Uncle Master *Francis Bluet* Two hundred Pounds *Sterling*. All which Last Will, Gifts and Bequests were Wrote down and Read to the said Sir *William Godolphin* in the *Spanish* Tongue, and were Approved, Agreed unto, and Owned by him as his Last Will in the *Spanish* Tongue; likewise in the Presence of us who were desired to take Notice thereof: All which we Testifie upon Oath, Witness our Hands this Eighteenth day of *September* (New Style) *Anno Domini*, One thousand six hundred ninety six, *Thomas Gray*, *John March*, *Lewis Cavelero*; Sworn, Signed and Executed in Presence of us *William Thomas*, *Jezreel Jones*, *Samuel Allston*. And whereas according to the Laws of this Realm, no Man can give Power or Authority to another, to make his Will for him after his Death; And if it were otherwise, the Estates of such of His Majesties Subjects, who should happen to dye beyond the Seas, would run great Hazard of being Alienated from the right Heirs and Relations of the said Persons, under Colour of such delegated Authority; and yet nevertheless forasmuch as some Persons who have been Trusted in the Management of the said Sir *William Godolphin's* Estate in *England*, have with several others Employed therein beyond the Seas, used great endeavours to set up the said Notarial Act, and a Pretended Will or Disposition, made, or supposed to be made after the said Sir *William Godolphin's* Death, under Colour of the same. And whereas by such Pretext, the Legal Administrators of the said Sir *William Godolphin* have been hitherto delayed, and hindered in Recovering his Estate, whereby to discharge the several Legacies in the said Testamentary Disposition, as well as to Possess themselves of the Residuary Part, which being not otherwise disposed of by the said Sir *William* in his Life time, of Right belongs to them as next of Kin. For Remedy therefore in the Premises, may it please Your most Excellent Majesty, that it may be Enacted and Declared: And be it Enacted and Declared by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That the Clauses in the said Notarial Act of the Thirtieth of *March*, One thousand six hundred ninety six, whereby any Powers or Authorities are pretended to be given to the persons in the said Notarial Act Named, or any of them, or any others, to make the said Sir *William Godolphin's* Will after his Death are Null and Void, and shall be Deemed and Taken to be Void and of none Effect; And that the other Clauses in the same Notarial Act mentioned, whereby the said Sir *William Godolphin* Declares his Soul his Universal Heir, are likewise Null, Void and of none Effect in Law. And be it further Enacted by the Authority aforesaid, That all Wills, Codicils, Powers to make Wills, and Dispositions in any manner

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manner made or declared by the said Sir *William Godolphin*, before the making the said Notarial Act of the Thirtieth of *March*, One thousand six hundred ninety six (the same being therein solemnly Revoked, Disannull'd and made Void) shall be, and the same are hereby Declared to be Revoked, Disannulled and made Void to all Intents and Purposes; and that the said Administration Granted to the said *Francis Godolphin*, and *Elizabeth* (the Wife of the said *Charles Godolphin*) his Sister, of the Estate of the said Sir *William Godolphin*, with the said Nuncupative Will before mentioned Annexed (the same being solemnly declared by him some few days before his Death, in the presence of three Credible Witnesses, who were duly Sworn by Commission out of the Prerogative Court of *Canterbury*) is well Granted, and shall be deemed and taken to be good and effectual in the Law, to all intents and purposes whatsoever, in all Courts of Law and Equity, the said Notarial Act of the Thirtieth of *March*, One thousand six hundred ninety six, or any Powers thereby given, for the making the said Sir *William Godolphin's* Will after his Death, or any former or other Will, or pretended Power to make a Will, Made, Given, Granted or Declared by the said Sir *William Godolphin*, before the making the said Notarial Act, in any wise notwithstanding.

And it is Declared, That nothing in this Act contained, shall be Construed to make void the Specific Legacies, in and by the said Notarial Act Given to the said *Don Mathias de Escobar*, *Geronimo Guerrero*, *Don Balthasar de Cabredo*, *Don Antonio de Cendoya*, *Francis Arthur*, and *Bruno Bernardo de Quiros*, but that such Legacies, with any other Sums specially mentioned therein, shall remain a Charge on the Estate of the said Sir *William Godolphin*, to be Paid out of the same, so as and provided that the said *Don Mathias de Escobar*, *Geronimo Guerrero*, *Don Balthasar de Cabredo*, *Don Antonio de Cendoya*, *Francis Arthur*, and *Bruno Bernardo de Quiros*, or some of them, do Account unto the said *Francis Godolphin*, and *Elizabeth* the Wife of the said *Charles Godolphin*, the said Administrators for the Estate of the said Sir *William Godolphin*, in the said Kingdom of *Spain*, or other places beyond the Seas, and Pay the same as they the said Administrators shall direct.

And whereas it doth appear, That the said Sir *William Godolphin* did by a Writing before his going out of *England*, Solemnly declare his Intention of leaving Three thousand Pound *Sterling*, to and for the Education and Maintenance of Poor Scholars, the Relief of Decayed Virtuous Gentlemen, the Redemption of Prisoners, the placing out Poor Children to Trades, or other such like Pious and Charitable uses, under the direction of certain Persons named in the said Writing, (who are all since Dead) and did also express his Intention of giving to the Poor of the Town of *Camilford*, in the County of *Cornwall*, the Sum of Twenty Pounds, to the Poor of the Town of *Liskerd*, in the said County, Ten Pounds, and to the Poor of the Parish of *St. Mabin*, in the said County also, Ten Pounds; Now to the end the said Pious and good Intentions may not be Frustrated, Be it further Enacted by the Authority aforesaid, That the Administrators of the said Sir *William Godolphin* do enter into several Recognizances in the High Court of Chancery, at the time when the Estate of the said Sir *William Godolphin* now in that Court, shall be delivered up to them, to secure the Payment of the said Three thousand and fourty Pounds, in manner following, (That is to say) the said *Francis Godolphin* one of the Administrators in one Recognizance, to secure the Payment of one Moiety thereof, or Fifteen hundred and twenty Pounds, and the said *Charles Godolphin* on behalf of his Wife *Elizabeth*, the other Administrator, in another Recognizance, to secure the like Sum of Fifteen hundred and twenty Pounds, being the other Moiety; which said Sums shall be taken out of such part of the Estate of the said Sir *William Godolphin*, now beyond the Seas, as shall first come to the hands of the said Administrators, after the Charge deducted for recovering the same; and in case so much shall not be recovered of the Estate beyond the Seas, within the space of three years, the complement of the said Sum, shall be made up by the said Administrators, out of the Residue of the said Sir *William Godolphin's* Estate in *England*, if any such there be, after just demands Paid, and Legacies given in the said Nuncupative Will satisfied; and the said several Sums of Fifteen hundred and twenty Pounds severally Secured by the said Administrators, shall be by them proportionably (that is to say) by each of them for his part, respectively Applied to such Pious and Charitable uses, as are before particularly specified and mentioned; and the said Recognizances or either of them, shall not be Discharged, without a Certificate from the Lord Arch-Bishop of *Canterbury*, or the Lord High Chancellor of *England*, or the Lord Keeper of the Great Seal, or one of them now or for the time being, that the Sum of Fifteen hundred and twenty Pounds, Secured by such Recognizance appears to have been applyed, vested, or disposed for such Pious and Charitable uses, as may answer the Intention of the Donor, to the satisfaction of the said Lord Arch-Bishop, or Lord Chancellor, or Lord Keeper of the Great Seal for the time being.

Provided

Note, Provided always, and be it further Enacted by the Authority aforesaid, That such and so much of the Personal Estate of the said Sir *William Godolphin*, now in the Court of Chancery, as shall be sufficient to pay the Legacies of Sixteen thousand two hundred Pounds, Given and Devised by the said Nuncupative Will, shall be immediately Applied to the Payment thereof, and of such just Demands incident to the Account of the same, as shall be Allowed in the Court of Chancery; and that the Residue of the said Sir *William Godolphin's* Personal Estate, in the said Court or elsewhere in *England*, after such Legacies and just Demands incident to the Account of the same, as is aforesaid, and the other Provision of the Three thousand and forty Pounds for Charities made by this present Act are paid, shall go and be Applied to and for the answering and paying such other Legacies and Bequests, other than such as are for any Superstitious use, as shall appear to be given or devised by the said Sir *William Godolphin*, to be paid out of his personal Estate in *England*, by any Writing under his Hand, after the Tenth day of *March*, One Thousand six hundred ninety five according to the Stile of *England*, Testified by Two Credible Witnesses, or by any Nuncupative Will reduced into Writing by the direction of the said Sir *William Godolphin* after the said Tenth day of *March*, so as the same be made appear before the Four and twentieth day of *June*, which shall be in the Year, One Thousand six hundred ninety nine, unless prevented or delayed by the means of the Administrators, or either of them, and if no such other Legacies or Bequests shall be made appear before the said Four and twentieth day of *June*, which shall be in the said year, One thousand six hundred ninety nine, to be given by the said Sir *William Godolphin*, and to be paid in such manner, as aforesaid, then the residue of the Personal Estate of the said Sir *William Godolphin*, or so much thereof as shall remain after such Legacies satisfied (if any such be made to appear) shall be to the said Administrators, to be distributed according to the Laws in that behalf.

Provided always, That in case any Legacies shall be proved to be given by the said Sir *William Godolphin* after the said Tenth day of *March*, One thousand six hundred ninety five, to Charitable Uses in *England*, That then the Three thousand and forty Pounds aforementioned, shall be applied for satisfaction of the same, and the residue, if any be, of the said Three thousand and forty Pounds, after such Legacies for any Charitable uses are satisfied, shall be applied to and for such Charities as are herein before appointed; And in case the said Three thousand and forty Pounds, shall not be sufficient to satisfy and pay the said Legacies for Charitable Uses, Then and in such Case so much as the said Three thousand and forty Pounds shall fall short of answering the said Legacies for Charitable Uses, shall be paid out of the Residue of the said Sir *William Godolphin's* Personal Estate in *England*, that shall remain after the several Legacies, Bequests and Demands thereout before mentioned are satisfied; and so much of the said Sum of Three thousand and forty Pounds as shall be applied to and for the satisfaction of the said Legacies for Charitable Uses in *England*, shall be Taken and Deemed to be well applied, and the Recognizances herein before appointed to be given for the same, as to so much as shall be so applied shall be discharged; Any thing herein before contained to the contrary thereof in any wise notwithstanding.

9^o April Anno 1698.
Concordat cum Recordo &
Examinat per me,

Tho. Harvey.

Matth. Johnson,
Cler' Parliamentor'

L O N D O N,

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